

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Nos. 1:16-CV-607 and 1:17-CV-452

ROANOKE RIVER BASIN
ASSOCIATION,

Plaintiff,

v.

DUKE ENERGY PROGRESS, LLC

Defendant.

**JOINT STIPULATION
OF DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(ii), Plaintiff Roanoke River Basin Association (“the Association”) and Defendant Duke Energy Progress (“Duke Energy”), dismiss this Action with prejudice as moot, as set out below.

On February 5, 2020, the North Carolina Superior Court entered a consent order that resolves pending enforcement actions, brought by the State of North Carolina under North Carolina laws, in which the Association is a plaintiff-intervenor. The consent order requires Duke Energy to fully excavate the coal ash from the Mayo Ash Basin, the Roxboro West Ash Basin, the Roxboro East Ash Basin outside the footprint of the lined landfill, and other ash fill areas, and to dispose of the coal ash in lined landfill storage onsite or for beneficial reuse. The consent order further requires Duke Energy to comply with surface water discharge permits, state special orders by consent addressing seeps, and corrective action plans for remediating groundwater contamination at each site.

The Superior Court consent order renders moot the injunctive relief sought in these actions. Accordingly, the parties submit this joint stipulation of dismissal. Each party shall bear its own costs.

This 11th day of February, 2020.

SOUTHERN ENVIRONMENTAL LAW CENTER

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Stipulation of Dismissal was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the users registered on the CM/ECF system.

This 11th day of February 2020.

/s/ Nicholas S. Torrey